



JUN 22 2005

CHARGING LETTER

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Lawrence Scibetta  
137 Southwest Carter Avenue  
Port St. Lucie, Florida 34983

Dear Mr. Scibetta:

The Bureau of Industry and Security, U.S. Department of Commerce ("BIS"), has reason to believe that Lawrence Scibetta acting in his capacity as then-owner of Dyna Marine ("Scibetta"), has committed five violations of the Export Administration Regulations (the "Regulations"),<sup>1</sup> which are issued under the authority of the Export Administration Act of 1979 (the "Act").<sup>2</sup> Specifically, BIS charges that Scibetta committed the following violations:

**Charge 1      15 C.F.R. § 764.2(c) - Attempted Violation of the Regulations**

On or about June 9, 2004, Scibetta committed a violation of the Regulations by attempting to export two thermal imaging cameras, items classified under Export Control Classification Number ("ECCN") 6A003.b.4, from the United States to an entity in the United Arab Emirates (the "UAE") without the Department of Commerce license required by Sections 742.4 and 742.6 of the Regulations. In so doing, Scibetta committed one violation of Section 764.2(c).

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<sup>1</sup> The Regulations are currently codified in the Code of Federal Regulations at 15 C.F.R. Parts 730-774 (2004). The 2004 Regulations govern the violations at issue and set forth the procedures that apply to this matter.

<sup>2</sup> 50 U.S.C. app. §§ 2401- 2420 (2000). From August 21, 1994 through November 12, 2000, the Act was in lapse. During that period, the President, through Executive Order 12924, which had been extended by successive Presidential Notices, the last of which was August 3, 2000 (3 C.F.R., 2000 Comp. 397 (2001)), continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. §§ 1701 - 1706 (2000)) ("IEEPA"). On November 13, 2000, the Act was reauthorized by Pub. L. No. 106-508 (114 Stat. 2360 (2000)) and it remained in effect through August 20, 2001. Executive Order 13222 of August 17, 2001 (3 C.F.R., 2001 Comp., p. 783 (2002)), which has been extended by successive Presidential Notices, the most recent being that of August 6, 2004 (69 Fed. Reg. 48763 (August 10, 2004)), continues the Regulations in effect under IEEPA.



**Charge 2 15 C.F.R. § 764.2(e) - Acting with Knowledge of a Violation**

In connection with the attempted export detailed in Charge 1, on or about June 1, 2004, Scibetta bought two thermal imaging cameras, items classified under ECCN 6A003.b.4, with the knowledge that a violation of the Regulations was about to occur. Specifically, Scibetta had knowledge that a Department of Commerce export license was required to export the cameras, and Scibetta bought the cameras with knowledge that the required export license would not be obtained prior to an attempt to export the cameras. In so doing, Scibetta committed one violation of Section 764.2(e).

**Charge 3 15 C.F.R. § 764.2(f) - Possession With Intent to Export Illegally**

Charges 1-2 are incorporated herein by reference. On or around June 8 and June 9, 2004, Scibetta possessed two thermal imaging cameras, items controlled for national security reasons under the Act, with the intent to export such items in violation of the Regulations. On or around May 16, 2004, Scibetta was told by the U.S. supplier of the thermal imaging cameras that the cameras required a license for export. On or around June 8, 2004, Scibetta took possession of the cameras. From that moment until the moment when Scibetta consigned the cameras for shipment, Scibetta held the items with the intent to export them to the UAE without a license. In so doing, Scibetta committed one violation of Section 764.2(f).

**Charge 4 15 C.F.R. § 764.2(g) - Misrepresentation and Concealment of Facts**

Charges 1-3 are incorporated herein by reference. On or about July 23, 2004, in the course of an investigation subject to the Regulations, Scibetta made a false statement directly to BIS. Specifically, he wrote in an affidavit, "I was never told that it [the cameras] needed an export license. Up until today noone has ever told me that I need a license to ship this [the cameras]." This statement is false because Scibetta was told on a number of occasions prior to the day of the affidavit, including a warning by the U.S. company from whom Dyna Marine purchased the cameras, that the cameras needed an export license. In so doing, Scibetta committed one violation of Section 764.2(g).

**Charge 5 15 C.F.R. § 764.2(h) - Evasion**

Charges 1-4 are incorporated herein by reference. Between June 22 and June 25, 2004, Scibetta acted to arrange for the export of two thermal imaging cameras with intent to evade the provisions of the Regulations. Specifically, Dyna Marine continued to arrange for the unlicensed export of the cameras even after the cameras had been detained by the U.S. Government and

Dyna Marine had been notified that the cameras required a license to export. In so doing, Scibetta committed one violation of Section 764.2(h).

Accordingly, Scibetta is hereby notified that an administrative proceeding is instituted against him pursuant to Part 766 of the Regulations for the purpose of obtaining an order imposing administrative sanctions, including any or all of the following:

The maximum civil penalty allowed by law of up \$11,000 per violation;<sup>3</sup>

Denial of export privileges; and/or

Exclusion from practice before BIS.

If Scibetta fails to answer the charges contained in this letter within 30 days after being served with notice of issuance of this letter, that failure will be treated as a default. *See* 15 C.F.R. §§ 766.6 and 766.7. If Scibetta defaults, the Administrative Law Judge may find the charges alleged in this letter are true without a hearing or further notice to Scibetta. *See id.* The Under Secretary for Industry and Security may then impose up to the maximum penalty on the charges in this letter. *See id.*

Scibetta is further notified that he is entitled to an agency hearing on the record if he files a written demand for one with his answer. *See* 15 C.F.R. § 766.6. Scibetta is also entitled to be represented by counsel or other authorized representative who has power of attorney to represent him. *See* 15 C.F.R. §§ 766.3(a) and 766.4.

The Regulations provide for settlement without a hearing. *See* 15 C.F.R. § 766.18. Should Scibetta have a proposal to settle this case, he or his representative should transmit it to the attorney representing BIS named below.

The U.S. Coast Guard is providing administrative law judge services in connection with the matters set forth in this letter. Accordingly, Scibetta's answer must be filed in accordance with the instructions set forth in Section 766.5(a) of the Regulations with:

U.S. Coast Guard ALJ Docketing Center  
40 S. Gay Street  
Baltimore, Maryland 21202-4022

In addition, a copy of Scibetta's answer must be served on BIS at the following address:

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<sup>3</sup> *See* 15 C.F.R. § 6.4(a)(2).

Lawrence Scibetta  
Charging Letter  
Page 4 of 4

Chief Counsel for Industry and Security  
Attention: David Wolitz  
Room H-3839  
United States Department of Commerce  
14<sup>th</sup> Street and Constitution Avenue, N.W.  
Washington, D.C. 20230

David Wolitz is the attorney representing BIS in this case. Any communications that Scibetta may wish to have concerning this matter should occur through him. He may be contacted by telephone at (202) 482-5301.

Sincerely,



Michael D. Turner  
Director  
Office of Export Enforcement

UNITED STATES DEPARTMENT OF COMMERCE  
BUREAU OF INDUSTRY AND SECURITY  
WASHINGTON, D.C. 20230

\_\_\_\_\_  
In the Matter of: )  
 )  
Lawrence Scibetta )  
137 Southwest Carter Avenue ) 05-BIS-09  
Port St. Lucie, Florida 34983 )  
 )  
Respondent. )  
\_\_\_\_\_ )

SETTLEMENT AGREEMENT

This Settlement Agreement (“Agreement”) is made by and between Respondent, Lawrence Scibetta (hereinafter referred to as “Scibetta”), and the Bureau of Industry and Security, U.S. Department of Commerce (“BIS”) (collectively referred to as “Parties”), pursuant to Section 766.18(b) of the Export Administration Regulations (currently codified at 15 C.F.R. Parts 730-774 (2006)) (“Regulations”),<sup>1</sup> issued pursuant to the Export Administration Act of 1979, as amended (50 U.S.C. app. §§ 2401-2420 (2000)) (“Act”),<sup>2</sup>

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<sup>1</sup> The violations charged occurred in 2004. The Regulations governing the violations at issue are found in the 2004 version of the Code of Federal Regulations (15 C.F.R. Parts 730-774 (2004)). The 2006 Regulations govern the procedural aspects that apply to this matter.

<sup>2</sup> Since August 21, 2001, the Act has been in lapse and the President, through Executive Order 13222 of August 17, 2001 (3 C.F.R., 2001 Comp. 783 (2002)), which has been extended by successive presidential notices, the most recent being that of August 3, 2006 (71 Fed. Reg. 44551 (August 7, 2006)), has continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. §§ 1701-1706 (2000)) (“IEEPA”).

WHEREAS, BIS has initiated an administrative proceeding against Scibetta, pursuant to the Act and the Regulations;

WHEREAS, BIS has issued a charging letter to Scibetta that alleged that Scibetta committed five violations of the Regulations, specifically:

Charge 1. *One Violation of 15 C.F.R. § 764.2(c) - Attempted Violation of the Regulations:*

On or about June 9, 2004, Scibetta committed a violation of the Regulations by attempting to export two thermal imaging cameras, items classified under Export Control Classification Number (“ECCN”) 6A003.b.4, from the United States to an entity in the United Arab Emirates (the “UAE”) without the Department of Commerce license required by Sections 742.4 and 742.6 of the Regulations.

Charge 2. *One Violation of 15 C.F.R. § 764.2(e) - Acting with Knowledge of a Violation:*

In connection with the attempted export detailed in Charge 1, on or about June 1, 2004, Scibetta bought two thermal imaging cameras, items classified under ECCN 6A003.b.4, with the knowledge that a violation of the Regulations was about to occur. Specifically, Scibetta had knowledge that a Department of Commerce export license was required to export the cameras, and Scibetta bought the cameras with knowledge that the required export license would not be obtained prior to an attempt to export the cameras.

Charge 3. *One Violation of 15 C.F.R. § 764.2(f) - Possession With Intent to Export Illegally:*

Charges 1-2 are incorporated herein by reference. On or around June 8 and June

9, 2004, Scibetta possessed two thermal imaging cameras, items controlled for national security reasons under the Act, with the intent to export such items in violation of the Regulations. On or around May 16, 2004, Scibetta was told by the U.S. supplier of the thermal imaging cameras that the cameras required a license for export. On or around June 8, 2004, Scibetta took possession of the cameras. From that moment until the moment when Scibetta consigned the cameras for shipment, Scibetta held the items with the intent to export them to the UAE without a license.

Charge 4. *One Violation of 15 C.F.R. § 764.2(g) - Misrepresentation and Concealment of Facts:* Charges 1-3 are incorporated herein by reference. On or about July 23, 2004, in the course of an investigation subject to the Regulations, Scibetta made a false statement directly to BIS. Specifically, he wrote in an affidavit, "I was never told that it [the cameras] needed an export license. Up until today noone has ever told me that I need a license to ship this [the cameras]." This statement is false because Scibetta was told on a number of occasions prior to the day of the affidavit, including a warning by the U.S. company from whom Scibetta purchased the cameras, that the cameras needed an export license.

Charge 5. *One Violation of 15 C.F.R. § 764.2(h) - Evasion:* Charges 1-4 are incorporated herein by reference. Between June 22 and June 25, 2004, Scibetta acted to arrange for the export of two thermal imaging cameras with intent to evade the

provisions of the Regulations. Specifically, Scibetta continued to arrange for the unlicensed export of the cameras even after the cameras had been detained by the U.S. Government and Scibetta had been notified that the cameras required a license to export.

WHEREAS, Scibetta has reviewed the charging letter and is aware of the allegations made against him and the administrative sanctions which could be imposed against him if the allegations are found to be true;

WHEREAS, Scibetta fully understands the terms of this Agreement and the Order (“Order”) that the Assistant Secretary of Commerce for Export Enforcement will issue if he approves this Agreement as the final resolution of this matter;

WHEREAS, Scibetta enters into this Agreement voluntarily and with full knowledge of his rights;

WHEREAS, Scibetta neither admits nor denies the allegations contained in the charging letter;

WHEREAS, Scibetta wishes to settle and dispose of all matters alleged in the charging letter by entering into this Agreement; and

WHEREAS, Scibetta agrees to be bound by the Order, if entered;

NOW THEREFORE, the Parties hereby agree as follows:

1. BIS has jurisdiction over Scibetta, under the Regulations, in connection with the matters alleged in the charging letter.

2. The following sanctions shall be imposed against Scibetta in complete settlement of the alleged violations of the Regulations set forth in the charging letter:

- a. Scibetta shall be assessed a civil penalty in the amount of \$30,000.00, of which \$5,000.00 shall be paid to the U.S. Department of Commerce not later than September 15, 2006; \$5,000.00 shall be paid to the U.S. Department of Commerce not later than November 15, 2006; \$5,000.00 shall be paid to the U.S. Department of Commerce not later than January 15, 2007; \$5,000.00 shall be paid to the U.S. Department of Commerce not later than March 15, 2007; \$5,000.00 shall be paid to the U.S. Department of Commerce not later than May 15, 2007; and \$5,000.00 shall be paid to the U.S. Department of Commerce not later than July 15, 2007.
- b. The timely payment of the civil penalty agreed to in paragraph 2.a is hereby made a condition to the granting, restoration, or continuing validity of any export license, License Exception, permission, or privilege granted, or to be granted, to Scibetta. Failure to make timely payment of the civil penalty set forth above shall result in the denial of all Scibetta's export privileges under the Regulations for a period of one year from the date of imposition of the penalty.
- c. For a period of 20 years from the date of entry of the Order, Scibetta, and when acting for or on his behalf, his representatives, agents, assigns or employees ("Denied Person") may not participate, directly or indirectly, in any way in any transaction involving any commodity, software or technology (hereinafter

collectively referred to as “item”) exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations, including, but not limited to:

- i. Applying for, obtaining, or using any license, License Exception, or export control document;
- ii. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations; or
- iii. Benefitting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations.

3. Subject to the approval of this Agreement pursuant to paragraph 8 hereof, Scibetta hereby waives all rights to further procedural steps in this matter (except with respect to any alleged violations of this Agreement or the Order, if entered), including, without limitation, any right to: (a) an administrative hearing regarding the allegations in the charging letter; (b) request a refund of any civil penalty paid pursuant to this Agreement and the Order, if entered; (c) request any relief from the Order, if entered, including without limitation relief from the terms of a denial order under 15 C.F.R. § 764.3(a)(2); and (d) seek judicial review or otherwise contest the validity of this Agreement or the Order, if entered.

4. Upon entry of the Order and timely payment of the \$30,000.00 civil penalty, BIS will not initiate any further administrative proceeding against Scibetta in connection with any alleged violation of the Act or the Regulations arising out of the transactions identified in the charging letter.

5. BIS will make the charging letter, this Agreement, and the Order, if entered and the record of the case as set forth in Section 766.20 of the Regulations, available to the public.

6. This Agreement is for settlement purposes only. Therefore, if this Agreement is not accepted and the Order is not issued by the Assistant Secretary of Commerce for Export Enforcement pursuant to Section 766.18(b) of the Regulations, no Party may use this Agreement in any administrative or judicial proceeding and the Parties shall not be bound by the terms contained in this Agreement in any subsequent administrative or judicial proceeding.

7. No agreement, understanding, representation or interpretation not contained in this Agreement may be used to vary or otherwise affect the terms of this Agreement or the Order, if entered, nor shall this Agreement serve to bind, constrain, or otherwise limit any action by any other agency or department of the U.S. Government with respect to the facts and circumstances addressed herein.

8. This Agreement shall become binding on BIS only if the Assistant Secretary of Commerce for Export Enforcement approves it by entering the Order, which will have the same force and effect as a decision and order issued after a full administrative hearing on the record.

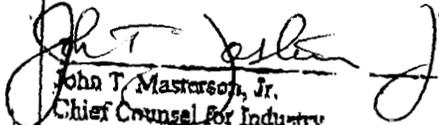
Aug-09-08 15:23 From: Dept. Of Commerce Office Of Chief Counsel 202 482 0065 T-401 P. 8/008 F-886

Settlement Agreement  
Lawrence Scibetta  
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9. Each signatory affirms that he has authority to enter into this Settlement Agreement and to bind his respective party to the terms and conditions set forth herein.

BUREAU OF INDUSTRY AND SECURITY  
U.S. DEPARTMENT OF COMMERCE

LAWRENCE SCIBETTA



John T. Masterson, Jr.  
Chief Counsel for Industry  
and Security



Lawrence Scibetta

Date: 8/11/06

Date: 8/10/06

UNITED STATES DEPARTMENT OF COMMERCE  
BUREAU OF INDUSTRY AND SECURITY  
WASHINGTON, D.C. 20230

\_\_\_\_\_  
In the Matter of: )  
)  
Lawrence Scibetta )  
137 Southwest Carter Avenue ) 05-BIS-09  
Port St. Lucie, Florida 34983 )  
)  
Respondent. )  
\_\_\_\_\_)

ORDER

The Bureau of Industry and Security, United States Department of Commerce (“BIS”) has initiated an administrative proceeding against Lawrence Scibetta (“Scibetta”) pursuant to Section 766.3 of the Export Administration Regulations (“Regulations”),<sup>1</sup> and Section 13(c) of the Export Administration Act of 1979, as amended (50 U.S.C. app. §§ 2401-2420 (2000)) (“Act”),<sup>2</sup> through issuance of a charging letter to Scibetta that alleged that Scibetta committed five violations of the Regulations. Specifically, the charges are:

Charge 1. *One Violation of 15 C.F.R. § 764.2(c) - Attempted Violation of the Regulations:*

On or about June 9, 2004, Scibetta committed a violation of the Regulations by attempting to export two thermal imaging cameras, items classified under Export

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<sup>1</sup> The Regulations are currently codified in the Code of Federal Regulations at 15 C.F.R. Parts 730-774 (2006). The alleged violations occurred in 2004. The Regulations governing the violations at issue are found in the 2004 version of the Code of Federal Regulations (15 C.F.R. Parts 730-774 (2004)). The 2006 Regulations establish the procedures that apply to this matter.

50 U.S.C. app. §§ 2401- 2420 (2000). Since August 21, 2001, the Act has been in lapse and the President, through Executive Order 13222 of August 17, 2001 (3 C.F.R., 2001 Comp. 783 (2002)), as extended most recently by the Notice of August 3, 2006, (71 Fed. Reg. 44551 (August 7, 2006)), has continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. §§ 1701 - 1706 (2000)) (“IEEPA”).

Control Classification Number (“ECCN”) 6A003.b.4, from the United States to an entity in the United Arab Emirates (the “UAE”) without the Department of Commerce license required by Sections 742.4 and 742.6 of the Regulations.

Charge 2. *One Violation of 15 C.F.R. § 764.2(e) - Acting with Knowledge of a Violation:*

In connection with the attempted export detailed in Charge 1, on or about June 1, 2004, Scibetta bought two thermal imaging cameras, items classified under ECCN 6A003.b.4, with the knowledge that a violation of the Regulations was about to occur. Specifically, Scibetta had knowledge that a Department of Commerce export license was required to export the cameras, and Scibetta bought the cameras with knowledge that the required export license would not be obtained prior to an attempt to export the cameras.

Charge 3. *One Violation of 15 C.F.R. § 764.2(f) - Possession With Intent to Export Illegally:*

Charges 1-2 are incorporated herein by reference. On or around June 8 and June 9, 2004, Scibetta possessed two thermal imaging cameras, items controlled for national security reasons under the Act, with the intent to export such items in violation of the Regulations. On or around May 16, 2004, Scibetta was told by the U.S. supplier of the thermal imaging cameras that the cameras required a license for export. On or around June 8, 2004, Scibetta took possession of the cameras. From that moment until the moment when Scibetta consigned the cameras for shipment, Scibetta held the items with the intent to export them to the UAE without a license.

Charge 4. *One Violation of 15 C.F.R. § 764.2(g) - Misrepresentation and Concealment of*

*Facts:* Charges 1-3 are incorporated herein by reference. On or about July 23, 2004, in the course of an investigation subject to the Regulations, Scibetta made a false statement directly to BIS. Specifically, he wrote in an affidavit, “I was never told

that it [the cameras] needed an export license. Up until today noone has ever told me that I need a license to ship this [the cameras]." This statement is false because Scibetta was told on a number of occasions prior to the day of the affidavit, including a warning by the U.S. company from whom Scibetta purchased the cameras, that the cameras needed an export license.

Charge 5. *One Violation of 15 C.F.R. § 764.2(h) - Evasion:* Charges 1-4 are incorporated herein by reference. Between June 22 and June 25, 2004, Scibetta acted to arrange for the export of two thermal imaging cameras with intent to evade the provisions of the Regulations. Specifically, Scibetta continued to arrange for the unlicensed export of the cameras even after the cameras had been detained by the U.S. Government and Scibetta had been notified that the cameras required a license to export.

WHEREAS BIS and Scibetta have entered into a Settlement Agreement pursuant to Section 766.18(b) of the Regulations whereby they agreed to settle this matter in accordance with the terms and conditions set forth therein, and

WHEREAS, I have approved such Settlement Agreement;

IT IS THEREFORE ORDERED:

FIRST, that a civil penalty is assessed against Scibetta in the amount of \$30,000.00, of which \$5,000.00 shall be paid to the U.S. Department of Commerce not later than September 15, 2006; \$5,000.00 shall be paid to the U.S. Department of Commerce not later than November 15, 2006; \$5,000.00 shall be paid to the U.S. Department of Commerce not later than January 15, 2007; \$5,000.00 shall be paid to the U.S. Department of Commerce not later than March 15, 2007; \$5,000.00 shall be paid to the U.S. Department of Commerce not later than May 15, 2007; and \$5,000.00 shall be paid to the U.S. Department of Commerce not later than July 15, 2007.

SECOND, that, pursuant to the Debt Collection Act of 1982, as amended (31 U.S.C. §§ 3701-3720E (2000)), the civil penalty owed under this Order accrues interest as more fully described in the attached Notice, and, if payment is not made by the due date specified herein, Scibetta will be assessed, in addition to the full amount of the civil penalty and interest, a penalty charge and an administrative charge, as more fully described in the attached Notice.

THIRD, that the timely payment of the civil penalty set forth above is hereby made a condition to the granting, restoration, or continuing validity of any export license, license exception, permission, or privilege granted, or to be granted, to Scibetta. Accordingly, if Scibetta should fail to pay the civil penalty in a timely manner, the undersigned may enter an Order denying Scibetta's export privileges for a period of one year from the date of entry of this Order.

FOURTH, that for a period of 20 years from the date of entry of the Order, Mr. Lawrence Scibetta, 137 Southwest Carter Avenue, Port St. Lucie, Florida 34983, and when acting for or on his behalf, his representatives, agents, assigns or employees ("Denied Person") may not participate, directly or indirectly, in any way in any transaction involving any commodity, software or technology (hereinafter collectively referred to as "item") exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations, including, but not limited to:

- A. Applying for, obtaining, or using any license, License Exception, or export control document;
- B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations; or

- C. Benefitting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations.

FIFTH, that no person may, directly or indirectly, do any of the following:

- A. Export or reexport to or on behalf of the Denied Person any item that is subject to the Regulations;
- B. Take any action that facilitates the acquisition or attempted acquisition by the Denied Person of the ownership, possession, or control of any item subject to the Regulations that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby the Denied Person acquires or attempts to acquire such ownership, possession or control;
- C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from the Denied Person of any item subject to the Regulations that has been exported from the United States;
- D. Obtain from the Denied Person in the United States any item subject to the Regulations with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or
- E. Engage in any transaction to service any item subject to the Regulations that has been or will be exported from the United States and which is owned, possessed or controlled by the Denied Person, or service any item, of whatever origin, that is owned, possessed or controlled by the Denied Person if such service involves the use of any item subject to the Regulations that has been or will be exported from the United States. For purposes of this

paragraph, servicing means installation, maintenance, repair, modification or testing.

SIXTH, that this Order does not prohibit any export, reexport, or other transaction subject to the Regulations where the only items involved that are subject to the Regulations are the foreign-produced direct product of U.S.-origin technology.

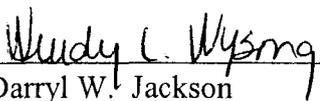
SEVENTH, that, after notice and opportunity for comment as provided in Section 766.23 of the Regulations, any person, firm, corporation, or business organization related to Scibetta by affiliation, ownership, control, or position of responsibility in the conduct of trade or related services may also be made subject to the provisions of the Order.

EIGHTH, that the charging letter, the Settlement Agreement, this Order, and the record of this case as defined by Section 766.20 of the Regulations shall be made available to the public.

NINTH, that the administrative law judge shall be notified that this case is withdrawn from adjudication.

TENTH, that this Order shall be served on the Denied Person and on BIS, and shall be published in the *Federal Register*.

This Order, which constitutes the final agency action in this matter, is effective immediately.

for   
Darryl W. Jackson  
Assistant Secretary of Commerce  
for Export Enforcement

Entered this 14th day of August 2006.